

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NOS. 1:18-CR-45-10
1:20-MC-50
(KLEEH)**

CARISSA MOORE,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, REMANDING CASE TO THE
DISTRICT COURT, AND GRANTING MOTION TO DISMISS INDICTMENT**

On April 21, 2022, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the District Judge consider Defendant Carissa Moore ("Moore") as having successfully completed the requirements of the Drug Court Program. ECF No. 771. The R&R recommended that the case be remanded to the district court pending sentencing. The same day, the Government filed a motion to dismiss the Indictment as it pertains to Moore. ECF No. 770.

The R&R noted that each party had fourteen (14) days from the filing of the R&R to file "specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further stated that "[f]ailure to timely file written objections to the Report and Recommendation as set forth above shall constitute a waiver of

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de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 771]. For the reasons cited in the R&R and the Government's motion, the Court hereby **FINDS** and **ORDERS** as follows:

- Moore has successfully completed the requirements of the Drug Court Program;
- The R&R is **ADOPTED** [ECF No. 771];
- This action is **REMANDED** to the District Court;

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- The Government's motion to dismiss is **GRANTED** [ECF No. 770];
- The Indictment is **DISMISSED** as it pertains to Moore.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: May 9, 2022



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA